

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 07-00272-02-CR-W-ODS
JOHN WILLIAMS,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 17, 2008. Defendant John Williams appeared in person and with appointed counsel Bruce Houdek. The United States of America appeared by Assistant United States Attorney Bruce Clark and David Barnes.

On August 7, 2007, an indictment was returned charging defendant with armed bank robbery, in violation of 18 U.S.C. §§ 2113(a) and (d), and using a firearm during the commission of a crime of violence, in violation of 18 U.S.C. § 924(c). On March 4, 2008, a superseding indictment was returned adding two more armed bank robberies, two more counts of using a firearm in relation to a crime of violence, and one count of conspiracy to commit bank robbery while using a gun, in violation of 18 U.S.C. § 371. Co-defendant Marc Kindred pled guilty on November 2, 2007; co-defendant Diallo Pruitt pleaded guilty on February 1, 2008; co-defendant Zaric Brown pled guilty on December 5, 2007; and co-defendant Herman Hampton pled guilty on March 5, 2008.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Clark announced that he and David Barnes will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Kevin McClary and paralegal Janice Sheridan.

Mr. Houdek announced that he will be the trial counsel for defendant John Williams. He may be assisted by Thomas Houdek, paralegal.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the Magistrate Judge a motion to sever counts, filed by defendant on September 16, 2008 (document number 174).

IV. TRIAL WITNESSES

Mr. Clark announced that the government intends to call 45 witnesses without stipulations or 40 witnesses with stipulations during the trial.

Mr. Houdek announced that defendant John Williams intends to call 10 to 12 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Clark announced that the government will offer approximately 200 exhibits in evidence during the trial.

Mr. Houdek announced that defendant John Williams will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Houdek announced that defendant John Williams will rely on the defenses of general denial and alibi.

VII. POSSIBLE DISPOSITION

Mr. Houdek stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and bank's FDIC insured status.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 to 4 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed November 20, 2007, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 17, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 24, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, September 24, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, September 26, 2008. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

A motion in limine will probably be filed by defendant on the issue of character evidence. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 29, 2008. The case should be set on the second week of the trial docket in order to leave time to address the motion to sever filed yesterday.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
September 17, 2008

cc: The Honorable Ortrie Smith
Mr. Bruce Clark
Mr. Bruce Houdek
Mr. Jeff Burkholder